

## RESOLUTION NO. A-\_\_\_\_\_

## SPECIAL PERMIT NO. 692L

1 WHEREAS, Southview, Inc. has submitted an application designated as Special Permit No. 692L for authority  
2 to amend the Tabitha New Community community unit plan to construct 36 units of elderly or retirement housing within the Tabitha New  
3 Community CUP on property generally located east of Enterprise Drive, north of Folkways Blvd., and legally described to wit:

4 Lots 1-8 and Outlots A and C, Block 8; Lots 17-27, a portion of the remaining portion of Outlot  
5 A and Outlots C and D, Block 9; Lot 1, Block 10; Lot 1, Block 11; all in Tabitha New  
6 Community Addition; and a portion of vacated Farmstead Road; located in the Northeast  
7 Quarter of Section 1, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster  
8 County, Nebraska; and

9 WHEREAS, the real property adjacent to the area included within said community unit plan will not be adversely  
10 affected by such amendment; and

11 WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent  
12 and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

13 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

14 That the application of Southview, Inc., hereinafter referred to as "Permittee", to amend the Tabitha New Community  
15 community unit plan to construct 36 units of elderly or retirement housing on the above-described property be and the same is hereby granted  
16 under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and operation of  
17 such elderly or retirement facilities be in strict compliance with said application, the site plan, and the following additional express terms,  
18 conditions, and requirements:

19 1. This permit approves 36 units of elderly or retirement housing within the Tabitha New Community CUP,  
20 provided that the City Council permits the following modifications:

21 a. Setback reductions as indicated on the requested waivers attached hereto marked as Attachment

1 "A".

2 b. Lot area as shown on the site plan.

3 2. Before receiving building permits:

4 a. The Permittee must submit a permanent reproducible final plan, and five copies, as approved by  
5 the City Council.

6 b. The construction plans must conform to the approved plans.

7 3. Before occupying the elderly or retirement housing units all development and construction must be completed  
8 in conformance with the approved plans.

9 4. All privately-owned improvements must be permanently maintained by the owner or an appropriately  
10 established homeowners association approved by the City Attorney.

11 5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of  
12 buildings, location of parking and circulation elements, and similar matters.

13 6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee,  
14 its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such  
15 other action as may be necessary to gain compliance.

16 7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following  
17 approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City  
18 Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor  
19 to be paid in advance by the Permittee.

20 8. Final plats within the area of this Community Unit Plan must be approved by the City.

21 9. Adoption of this resolution voids and supercedes Special Permit No. 692J, which permitted the storage of  
22 recreational vehicles on Lot 1, Block 11, of Tabitha New Community and vacated Farmstead Road.

23 10. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however,

- 1 all resolutions approving previous permits (Special Permit Nos. 692D, 692E, 692F, 692G, 692H, 692I, and 692K) remain in force unless
- 2 specifically amended by this resolution.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Staff Review Completed:

\_\_\_\_\_  
Administrative Assistant

Approved this \_\_\_\_ day of \_\_\_\_\_, 2002:

\_\_\_\_\_  
Mayor